REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claim 49-52 are currently pending. Claims 1-48 have been canceled by way of prior amendments. Claim 49 has been amended. No new matter has been added. New claims 50-52 have been added. Reconsideration is respectfully requested.

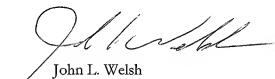
Claim 49 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,741,198 to Burton (Burton). In view of the amendments to claim 49 Burton does not show all of the structural limitation claimed. Claim 49 now requires a plurality of small radiodense markers deployed as a biopsy marker material disposed within the inner lumen. This structural limitation is not disclosed by Burton. Burton can't possibly disclose biopsy marker material as no biopsy is taking place in Burton. Still further, the ferrofluid of Burton does not mark a desired biopsy site for locating the biopsy site during a future examination. Thus, and as previously stated in the response to the last Office Action, the ferrofluid of Burton is not a marker material as contemplated, disclosed and claimed by Applicant. As such, the rejection based upon Burton is deemed to be improper.

More specifically, Burton discloses a radiopaque ferrofluid, which is injected to increase the radiopaqueness of body systems where there is slow flow of fluids, to permit radiological examinations by creating a contrast during X-ray procedures. In particular, the ferrofluid of Burton is injected into the spinal column and then is moved up and down the spinal column via a magnetic force to desired areas along the spinal column while taking radiographic images of the desired areas.

A highly important aspect of Burton is that once the radiographic examination is completed, the ferrofluid is removed. The ability to completely remove the ferrofluid, thereby avoiding patient discomfort, is Burton's advancement over the prior art. As such, it is evident the ferrofluid of Burton is not used to mark a desired site for locating the biopsy site during a future examination and thus does not function as a marker as claimed. With the forgoing in mind, Burton fails to disclose each and every limitation of claim 49 and thus is improperly relied upon in creating a § 102 rejection.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicants' representative at the below number.

Respectfully submitted,



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Our Docket No. END-897DIV3